



PATENT

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date set forth below.

Peggy Shock
Name of Person Mailing Paper

Peggy Shock
Signature of Person Mailing Paper

September 6, 2005
Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 09/589,551
Filing Date: 06/07/2000
Applicant(s): Thomas L. DiStefano III
Entitled: METHOD FOR DEVELOPING ELECTRONIC DOCUMENTS
PROVIDING E-COMMERCE TOOLS
Examiner: Lastra, Daniel
Group Art Unit: 3622
Attorney Docket No.: 1115-7U

Mail Stop AF
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Appellants request that a Panel Review of the final rejection be performed in the above identified application.

REMARKS

These remarks are set forth in response to the Final Office Action of June 6, 2005 and in accordance with the instant Pre-Appeals Brief Request for Review. As these remarks have been timely filed within the three-month statutory period and in conjunction with a Notice of Appeal, neither an extension of time nor a fee is required.

STATUS OF THE APPLICATION

Presently, claims 1 through 21 are pending in the Patent Application. In paragraph 3 of the Final Office Action, claims 1, 4-6, 12-14 and 16-21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,330,575 to Moore et al. ("Moore"). Also, in paragraph 3 of the Final Office Action, claims 2 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Moore in view of United States Patent No. 5,960,409 to Wexler. Finally, in paragraph 3 of the Final Office Action, claims 14 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Moore in view of United States Patent No. 6,058,417 to Hess.

STATEMENT OF THE INVENTION

The Applicant has invented a method, system, and apparatus for assisting a website designer in establishing an arrangement between a first Web site being designed by the Web site designer and a second Web site. *The arrangement is established to market the first Web site at the second Web site upon activation of the first Web site on the Internet.* During the design of the first Web site, information indicating a type of marketing element can be received through a user interface. The information can specify, for example, marketing elements such as banner ads, links, or the like. The received information also can specify or identify the second Web site,

at which the marketing element being described is to be displayed. The received information is saved within a database that is coupled to the user interface through which the information was received.

The marketing element, particularly one of the type indicated by the received information, can be obtained. Thus, if a banner ad was indicated, a banner ad marketing element can be obtained. In any case, the marketing element is displayed at the second Web site when the first Web site is activated with respect to the Internet. That is, when the first Web site being developed is activated, the second Web site is altered to display the marketing element(s) specified by the developer when developing the first Web site.

THE CITED ART

Moore relates to a method for designing a Web page to be hosted on a Web page server. The development tool utilized in Moore can provide an object-oriented, template-driven interface for a customer or merchant to utilize in the design of a Web page or a complete Web site. The Web site produced allows the merchant to become a part of a distributed electronic commerce system or Internet commerce system for doing business on the Web. Notably, column 3, lines 30 through 40 of the Moore reference succinctly describe an aspect of the Moore technology at issue in the Final Office Action.

Specifically, in Moore a commerce system can be provided which can include a Web page server and a second server. The server can be electrically coupled to each other and the Web page server can host the Web page. The method of use of the commerce system can include creating a link to the second server; designing the Web page such that the link can be embedded into the Web page; and embedding the link into the Web page.

ARGUMENT

Importantly, Moore completely lacks at least two critical elements claimed within the Patent Application--specifically, during design of a first Web site, Moore fails to teach the receipt of information at a user interface which indicates a type of an element for marketing that is to be displayed at a second Web site, and information specifying the second Web site at which the element is to be displayed. Moore further fails to teach the step of causing the display of the element for marketing at the second Web site when the first Web site is activated with respect to the Internet. These fundamental claim limitations resonate throughout all of the claims of the Patent Application.

The Examiner has stated in paragraph 4 of the Final Office Action that column 8, lines 59-62 of Moore teach these missing steps. Column 8, lines 59-62 are reproduced verbatim herein:

"The merchant can even totally remove the Web storefront, and simply post the price URLs on news groups or on another web site."

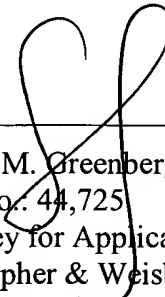
Clearly, this citation includes no text which can even remotely be considered to teach "during design of the first website, receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website, and information specifying the second website at which the element is to be displayed." Rather, this citation only teaches the removal of an entire Web site and the placement of information at a different location. The Examiner seems to have completely ignored important terms recited in the claims including "during the design of the first website" and "receiving information at a user interface indicating a type of an element for marketing that is to be displayed at the second website".

The Examiner also cited column 8, lines 27 through 61 of Moore as the sole support for the argument that Moore teaches the limitation "causing the display of the element for marketing at the second website when the first website is activated with respect to the internet". A careful review of column 8, lines 27 through 61 of Moore, however, will reveal no teaching directed to this limitation when every word of the claimed limitation is considered (especially "when the first website is activated"). The Examiner further has completely ignored the claimed limitation "wherein the element for marketing includes at least one of a banner ad concerning the first website and a link to the first website".

The rejection of claims 1 through 21, in its current form, stands in contravention of MPEP 2143.03 (ALL CLAIM LIMITATIONS MUST BE TAUGHT OR SUGGESTED). The Examiner yet further has proffered only an arbitrary motivation to combine Moore with Wexler and Hess without reference to any specific motivation to combine stated within any portion of cited art as expressly required by MPEP 2143.01 (THE PRIOR ART MUST SUGGEST THE DESIREABILITY OF THE CLAIMED INVENTION). Accordingly, the rejections of claims 1 through 21 based upon Moore, Wexler and Hess cannot stand.

Respectfully submitted,

Date: September 6, 2005



Steven M. Greenberg
Reg. No. 44,725
Attorney for Applicant(s)
Christopher & Weisberg, P.A.
200 East Las Olas Boulevard, Suite 2040
Fort Lauderdale, Florida 33301
Customer No. 31292
Tel: (954) 828-1488